

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

TAX APPEAL No. 328 of 2004

For Approval and Signature:

**HONOURABLE MR.JUSTICE D.A.MEHTA
HONOURABLE MS.JUSTICE H.N.DEVANI**

=====

- | | |
|---|---|
| 1 | Whether Reporters of Local
Papers may be allowed to
see the judgment ? |
| 2 | To be referred to the
Reporter or not ? |
| 3 | Whether their Lordships
wish to see the fair copy
of the judgment ? |
| 4 | Whether this case involves
a substantial question of
law as to the
interpretation of the
constitution of India,
1950 or any order made
thereunder ? |
| 5 | Whether it is to be
circulated to the civil
judge ? |

=====

C.I.T. - Appellant(s)

Versus

BHAVNAGAR DISTRICT CO-OP. BANKLTD. - Opponent(s)

=====

Appearance :

MR TANVISH U BHATT for Petitioner No(s).: 1.

MR RK PATEL for Respondent No(s).: 1.

=====

CORAM : HONOURABLE MR.JUSTICE D.A.MEHTA

and

HONOURABLE MS.JUSTICE H.N.DEVANI

Date : 16/08/2005

ORAL JUDGMENT

(Per : HONOURABLE MS.JUSTICE H.N.DEVANI)

1.Heard Mr. Tanvish U. Bhatt, learned Standing Counsel for the appellant-Revenue and Mr. R.K. Patel for the respondent-assessee.

1.It is an accepted position that the controversy raised by the questions framed at the time of admission stands concluded by a decision of this Court rendered in Tax Appeal No. 208 of 2003 and the cognate matters rendered on 29.07.2005, 01.08.2005 and 09.08.2005 in the case of Commissioner of Income-Tax V/s. The Baroda Peoples Co-operative Bank Limited.

1.Therefore, it is held that the Tribunal was justified in law in allowing deduction under Section 80P(2)(a)(i) of the Income-Tax Act, 1961 on interest income as being attributable to the business of banking. The questions are, accordingly, answered in the affirmative. The Tax Appeal is, accordingly, dismissed. There shall be no order as to costs.

(D.A.MEHTA, J.) (H.N.DEVANI, J.)

Hitesh